

Appl. No. 09/814,552
Amdt dated October 12, 2006
Reply to Office Action of May 17, 2006
Att. Docket No.: 7014-101

Filing date: March 22, 2001
Applicant Name: Henry H. Wheeler, Jr. et al.
Examiner: Rabon A. Sergeant
Art Unit: 1711

RECEIVED
CENTRAL FAX CENTER

OCT 12 2006

REMARKS/ARGUMENTS

Claims 15 - 17, 37 - 44, and 46 - 47 are pending. Claims 16, 17, 37, 41, 46, and 47 have been amended as described below. Claim 45 has been canceled.

The rejection of claims 15 - 17 in paragraph 2 under 35 U.S.C. § 112, first paragraph as not enabled for nozzles having tip diameters exceeding 0.45 thousandths of an inch is obviated. The amendment calls for the spray nozzle to have a tip with an inner diameter of about 0.21 to 0.45 thousandths of an inch, which has been acknowledged by the Examiner to be enabled.

The rejections of claims 15 - 17 and 47 in paragraphs 3 and 4 under 35 U.S.C. § 112, second paragraph as being indefinite is obviated. The amendment calls for the mixture of the first and second polymerization materials to be sprayed from the spray nozzle, which has been acknowledged by the Examiner to be enabled.

The rejections of claims 37, 39 and 40 under 40 USC 102(b) as being anticipated by Adam et al. ('677) and the rejection of claim 38 under 35 U.S.C. 103(a) as being unpatentable over Adams et al. are respectively traversed. The claims as amended require a geotextile fabric lining a surface and the fibrous material sprayed over the surface-lining geotextile fabric. Adams et al. fail to disclose this limitation. In contrast, Adam et al. require their liquid mixture to be dispensed onto a continuously moving porous blanket (see the Abstract and column 1 lines 43 - 47). Accordingly, because Adams does not disclose this limitation, this 102(b) rejection should be withdrawn. Moreover, the claimed invention is unobvious over Adam et al. who teaches away from the claimed invention.

The rejection of claims 37, 39 - 41 and 43 - 45 under 35 U.S.C. 102(e) as being anticipated by Markusch et al. ('407) and the rejection of claims 38 and 42 under 35 U.S.C. 103(a) as being unpatentable over Markusch et al. are respectfully traversed. As with Adam et al., Markusch does not teach the claimed limitation calling for layering a sheet of geotextile fabric onto an object and spraying the polyurethane composition onto the layered sheet of geotextile fabric. Indeed, Markusch et al. specifically teaches away from the claimed invention by calling for the geotextile material to be

Appl. No. 09/814,552
Amdt dated October 12, 2006
Reply to Office Action of May 17, 2006
Att. Docket No.: 7014-101

Filing date: March 22, 2001
Applicant Name: Henry H. Wheeler, Jr. et al.
Examiner: Rabon A. Sergeant
Art Unit: 1711

polyurethane-impregnated and cut to the desired length before being placed in the canal or ditch (see column 7, lines 63 – 65). See also, column 8, lines 9 – 10 where Markusch et al call for the polyurethane-impregnated geotextile material to be “subsequently placed in the ditch or canal where it conforms to the surface...” (emphasis added).

The rejection of claim 46 under 35 U.S.C. 103(a) as being unpatentable over Markusch et al in view of White ('245) is respectfully traversed. Leaving aside the fact that Markusch et al. does not suggest the invention for reasons given above, and White does not even discuss the deficiencies discussed above, the combination of Markusch and White does not at all suggest the invention of claim 46. The Examiner cites White as somehow suggesting not sealing the perimeter of the geotextile material with adhesive, but White precisely requires sealing the perimeter of the geotextile material with adhesive, to wit:

“A circumferential strip of battan with circumferentially spaced apertures receives the studs for clamping the liner against the inner surface of the wall with the band of adhesive therebetween.” (Column 1, lines 55 – 58)

Indeed, every one of White's claims requires:

“a circumferential band of adhesive material along said studs and said apertures and between said wall and said liner forming a seal of said liner to said inner surface of said tank wall along a continuous path”.

White teaches exhaust gasses trapped between the tank wall and the liner by means of a section of threaded pipe a vacuum relief valve to provide pneumatic communication from the space or cavity defined by the tank wall and the liner to the atmosphere external to the tank (column 3, lines 46 – 52, Figures 3 and 4). He does not, nor can he, teach the limitation of claim 46 to not tack the perimeter edge of the geotextile fabric to the object to allow gas to escape.

Appl. No. 09/814,552
Amdt dated October 12, 2006
Reply to Office Action of May 17, 2006
Att. Docket No.: 7014-101


Filing date: March 22, 2001
Applicant Name: Henry H. Wheeler, Jr. et al.
Examiner: Rabon A. Sergeant
Art Unit: 1711

Applicants believe that the claims are all in condition for allowance and respectively solicit a Notice of Allowance.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-3881.

Dated: October 12, 2006

Respectfully submitted,

By 
Robert Berliner
Registration No.: 20,121
BERLINER & ASSOCIATES
555 West Fifth Street, 31st Floor
Los Angeles, California 90013

(213) 533-4171 (Telephone)
(213) 533-4174 (Fax)